

MINUTES OF A REGULAR MEETING

BROOKLYN CITY COUNCIL

October 14, 2014

7:05 p.m.

Present: Mary Albier
Kevin Tanski (had to leave at 7:45 for work commitment)
Andy Celcherts
Katie Gallagher
Tony DeMarco
Ron Van Kirk
Kathy Pucci

Absent: None

Pledge of Allegiance.

APPROVAL OF MINUTES:

MOTION by Tanski, second by Celcherts to approve the minutes from the meeting of June 23, 2014. **VOTE RESULTED:** *Approve:* Yes: Albier, Tanski, Celcherts, Gallagher, DeMarco, Van Kirk. Abstain: Pucci (did not have chance to review, Council received them late). No: None. **(APPROVED)**

President Gallagher expressed condolences on behalf of Council to the families of Walter Montgomery (former firefighter and resident) and Edward Kriausky (former police officer and resident). New on the agenda is: a request to advertise for bids for new fire alarm system at Service Garage; new legislation: an Ordinance for Juvenile Diversion coordinator (2015 contract); purchase of 20 internal police dept. cameras (\$25,466); purchase recycling containers (\$215,182); purchase of floor tiling for Rec. Center (\$48,978); hire full-time Recreation Commissioner for a three-year term of 1/1/15 to 12/13/18. There will be an executive session to discuss the Rec. Commissioner legislation, with no decision after the executive session. There will be a work session on Oct. 23rd at 6 p.m. in the Conference Room to discuss Comprehensive Annual Finance reports from the Finance Dir. After speaking to her Council colleagues on their schedules and interests, she has appointed Councilman Celcherts to fill the vacancy on the Finance Committee.

PUBLIC SESSION:

Jim Oper of 4823 Elizabeth Ln., asked if there were any updates on the Assisted Living project. Also, during an electrical storm in August, lightning hit a tree on that property resulting in branches on and over his fence; he contacted someone from the property and they took care of it the next day. Asked to keep residents updated, through the city website possibly. (Dir. Migliorino will address it during Directors' reports)

REPORTS OF COMMITTEES, COMMISSIONS & BOARDS:

Finance Committee (Councilwoman Pucci): The Comm. met at 6:30, reminded that all are welcome. Councilman Celcherts was welcomed to the Committee. Recommended: Authorized advertising for bids for fire alarm system for Service Garage (est. cost \$24,000); adoption of Ord. #54, Amended Annual Appropriations; adoption of Ord. #55, Inter-fund transfers and advances; first reading of Ord. #50, Juvenile Diversion Coord. agreement; adoption of Ord. #61, authorizing purchase of cameras for Police Dept. (the Chief is applying for funding for patrol car and body cameras); adoption of Ord. #62, authorizing purchase of toters for automated recycling program (new recycle truck here Dec. 1st, so order toters now to implement program); adoption of Ord. #62, authorize purchase of rubber floor tiles for Rec Center (\$48,977.99); will discuss in executive session Ord. #64, (competing ordinance relating to establishment of Parks and Recreation Comm.) There will be an earlier start for the next Finance Comm. for a speaker who will talk about the CAFR.

Economic Development Comm. (Councilwoman Pucci): She met with Dir. Migliorino and they worked on a template for the Job Creation and Retention Grant Agreement, to be turned over for review to Dir. Claussen, and then to the entire Committee to vote on it.

Safe Routes to School Comm. (Councilwoman Pucci): Met Sept. 24th and reviewed plans for the Walk to School Week (Oct. 6th) (various walk events). May 9, 2015 is the Bike Rodeo and Touch a Truck, at Ridge Park Square. The Comm. will meet third Wednesday of the month, and as needed. Will review the budget and work on goals for 2014/15.

Recreation Board (Councilman Tanski): Announced a Frightening Friday Halloween Skate on Fri., Oct. 24th from 8-9:15 p.m., free admission to Brooklyn ID holders wearing costume and donating a canned good; \$1 non-resident rate (with costume and canned good); non-resident and no costume skaters and regular rates. The next Board meeting is Monday, Oct. 20th at 7 p.m. in the Mayor's Court.

Domestic Violence Comm. (Councilwoman Gallagher): The Comm. meets Oct. 15th at 7 p.m. at the Senior Center.

Planning Commission (Councilwoman Gallagher): The meeting for Oct. 9th was cancelled.

Zoning Bd. of Appeals (Acting Comm. Kulcsar): The Board will meet Thurs., Oct. 16th at 6 p.m. in the Conference Room to hear three variance requests for a proposed parking area in front of 8215 Clinton.

School Board (Councilman Celcherts): Oct. 8th was the Walk to School Day, with stilt walkers participating. There was a special mtg. Oct. 6th for various items, also looking at the School's report card (also available on the Ohio Dept. of Education website, and a few copies at reception desk.) Dr. Lynn Zinn was also present, who will perform various auditing procedures and planning. Brooklyn's report card consisted of five Cs, two Ds, and two Fs, which was also lengthily explained. For questions talk to a member of the School Board or Administration. HB 487 updated Ohio graduation requirements, taking effect for the Class of 2018 (current 9th graders affected.) Information will be available during parent-teacher conferences. Oct. 17th is the final senior football game, with a firework display (sponsored by the Brooklyn Music Boosters). Oct. 24th is Make a Difference Day, a community service day for students. The next Board meeting is Oct. 21st.

REPORTS OF COUNCIL:

Mary Balbier: There was a moving memorial candlelight vigil on Oct. 5th for the anniversary of the death of Angel Lopez. Don't forget the Armed Forces and their sacrifices they make on behalf of their countrymen. Attended the Historical Society's Shunpike Shoppe (Sept. 27 and 28), and toured the facility, filled with rooms of memories and artifacts, and had many handmade craft and bakery items for sale, in addition to quilts and looming. The city is fortunate to have this museum, under the direction of Barb Stepic and other dedicated volunteers. Recommends everyone to visit it. Heard that when Brooklyn scores at the football game the fireworks will go off, in addition to the end of the game. On the Agenda is legislation for the Juvenile Diversion Program. The program's been in Brooklyn for many years now, a wonderful program for children – for those that get into trouble with the law, and facing charges for various offenses for the first time. The program provides community service rather than sending charges to Juvenile Court. With completion of community service and no additional charges for a year, the matter is not heard in court and charges dismissed. Instead of a record, they can do community service and go a better route from there. The Greater Cleveland Youth for Christ Ministry (headed by residents Nick and Joanna Maroulis) will be celebrating their 70th anniversary with a banquet Oct. 23rd at the La Villa Center, Brookpark Rd., open to anyone, call 252-9881 for more info. They work a lot with the Juvenile Diversion Program. Thanked the Service Dept. for the beautiful mums planted in front of City Hall.

Kevin Tanski: Said Ord. 2014-64 (Parks & Rec Comm. for three year period) will be the same as Ord. 2014-52 (except can extend position). Applauded Councilman Van Kirk in trying to find a compromise in hiring this position everyone can live with. Rec Board members did a walk-thru in restrooms B and C, and on the poolside and upper deck, all which are in need of improvement and updated. There are other areas in the building in need of updates also. No matter who manages it, major monies are needed to remodel and clean up the building, or it will remain as it is now. At the Sept. 8th meeting he asked the Mayor to address

two items before any Ord. for a Commissioner is passed – he wants to see a future plan in place for the Rec Center with a new view of management; and with that plan, meet with Ms. McGinty and staff to recognize and restore confidence to residents in managing and making the Rec Center a dynamic and clean place.

Andy Celcherts: There was a Shade Tree Comm. mtg. on Sept. 18th. The trees to be replaced this year are the same as last, and should start in the next few weeks. Listed several streets with trees being replaced, and the residents will be given information on helping care for the tree. Residents should never trim the treelawn trees; instead, call the Service Dept. for assistance. Has spoken to Mrs. Enovitch at the Senior Center – the Senior Van that was approved by Ord. 2014-58 was ordered, delivery around March 2015. Register by mail packets have already been mailed out and received by some residents the past week. Oct. 12th he was invited to Cleveland Baptist Church by Councilman Van Kirk, for a Civil Servant Sunday service. There will be a Halloween House and Yard Decorating contest, with judging after dusk on Oct. 30th, with three winning categories (most creative, most original, scariest). Winners and prizes announced and awarded at the Nov. 10th Council mtg.

Tony DeMarco: Offered condolences to Janice Kriausky and family on the passing of Ed, former Brooklyn police officer. Asked Councilwoman Pucci to give him an update on Economic Development, he hasn't seen any minutes in months. A cleveland.com and Sun News article included comments from our Econ. Develop. Dir. that indicated Brooklyn wouldn't feel the loss of American Greetings and Brooklyn would be just fine (and this would happen over the next five years.) He finds those comments irresponsible and without merit. We have some things in the Econ. Develop. pipeline, but that prediction is quite bold. Our Econ. Dev. Dir. might know something he doesn't, and maybe that's why there's no econ. develop. plan in place. We accept what developers decide to build here, whether it makes econ. develop. sense for the city and residents. The point he's been trying to make for three years is, with about \$157M payroll and 1700 on-site jobs, average pay is \$92,500/annually – replacing light jobs and light compensation (Sheetz, LA Fitness), see him later, he has great investment opportunities. The average pay for those new companies is basically one-third of the pay at Amer. Greetings. Conclusion, the reduced rate of compensation with the new jobs coming, we'd have to triple the amount of jobs we'd lose – or get over 5,000 jobs. After the last mtg. President Gallagher asked to speak with him. They disagree on many issues, including her motives for supporting or not supporting various issues. She asked why he residents from Finance Comm. He told her it was none of her business nor did he owe her an explanation. Typical for her, she raises her voice and badgers the individual, as is his experience several times. He won't be subjected to the tirades and lack of decorum and professionalism. Council President has no more authority or voting power than any other Councilmember. He was elected to serve to the best of his ability, and will continue to do so. When he told her he was unavailable on weekends and some dates when trying to set up a meeting, she sent an e-mail to all Council that if he didn't have the time he should consider stepping down from the job. He doesn't think she should suggest to anyone to step down from their elected position. He could make the same suggestion to her. These are some of her lack of leadership skills, and as a result we don't address significant issues facing Brooklyn and residents. We lack real leadership in many facets of the City's operations. He's made several suggestions, met with less than positive response while he's been on Council. He's confident, having done his homework, in making the suggestions. Others find it easy to sit back and poke holes in others' ideas. He thinks Council President has her own faction on Council with their own ideas of what is best for the City, and he's not part of that group. It's wasting his time continually providing ideas and viable solutions in this forum that doesn't extend professional courtesy to all members. He'll continue providing the leadership that residents who support him expect; keeping them informed when something isn't in their best interest, and advocate for positive changes for the future. Residents can see him after the meeting, or call him, and he'll explain why he residents from the Finance Comm. Implores residents to pay attention to the lack of leadership in the city. One-two families don't speak for the majority of the residents.

Ron Van Kirk: At 7 a.m. on Sept. 24th he joined Brooklyn Middle and High School students at their flagpole to pray for our country, state and city; and was honored to be part of Prayer at the Pole, and encouraging to see several students there. He looks forward to seeing more students there next year. Quoted from a prayer by Pres. Washington after the Revolutionary War. Thanked Councilman Celcherts for his kind words and attending Civil Servant Day at Cleve. Baptist Church; and also thanked Chief Zemek for the ladder truck and ambulance being there. Thanked Councilman Tanski for his words regarding the Parks and Recreation Comm. legislation. It's important City Council work together to help our city; stubbornness, sarcasm, unkind words in public, close-mindedness accomplish nothing. He's trying with this ordinance to bring two sides together to get something accomplished. Thanked Dir. Migliorino for her work on

economic development, and keeping Council informed on issues going on in the city. Also thanked Pres. Gallagher for keeping Council informed as a Council, and meeting with the Mayor on various issues and then informing Council on what is going on daily. The Public Safety Comm. will meet Oct. 27th and discuss pay for school guards, animal warden and auxiliary officers.

Kathy Pucci: There was a work session Sept. 23rd, where Council heard a presentation from Matt Stuzinsky from Huntington on economic development, which was very informative; she thanked Dir. Enovitch for arranging it. Mr. Stuzinsky was a consultant prior to his tenure at Huntington, and the city had consulted with him during the American Greetings process. His information was very valuable, and hopes we continue a relationship with him. Oct. 8th was Community Walk to School Day, and she walked with students, teachers and parents at Brock Playground. The students loved the stilt walkers and had a great time. Condolences to the family of retired Sgt. Kriausky; and to the family of Wally Montgomery. Wally was known as Mr. Fix-it. On the Agenda is confirming the position of Bldg. Comm., and she suggests we table this evening. We have hired a part-time HR consultant, here one day a week, and he's developing job descriptions, performance evaluations, best practices for hiring; for this position the official job description hasn't yet been established, and there are old ordinance to review prior to moving forward. Also, when Council has a candidate with confirmation powers over, they go into executive session to have a discussion with that person, which they have not done yet. She recommends tabling it for this evening. Reminded the Democratic Club will have a fundraiser and Oktoberfest on Oct. 20th, with food provided by Sokolowski's, and entertainment. You do not have to be a democratic or political minded, this is just a fun evening. Let her know if interested, tickets are \$15. She could not make the Public Servants Day because she had to take her son back to school. Informed Councilman DeMarco the Econ. Dev. Comm. has two sets of minutes that were not able to be approved yet, so asked Dir. Migliorino to forward the minutes to him, but recognize they are not approved yet.

Katie Gallagher: Announced Councilman Tanski advised her prior to the meeting he had a work commitment and had to leave at this time. (7:45 p.m.) Echoed Councilwoman Pucci's comments about confirmation of the Bldg. Comm.; adding she's thankful to the Mayor for moving forward with the HR consultant, he's doing a wonderful job putting together job qualifications, titles, and going through the interview process. She'd like to continue with that, and see if happen with the Bldg. Dept. as well. Makes clear her position is nothing personally against Mr. Kulcsar, but rather a request the city is consistent, fair and transparent with hiring and promotion practices. Thanked Finance Dir. Enovitch, he brings a different perspective to the city coming from the outside, not traditionally from municipal finance. As he learns or sees things from a different perspective, he brings it to Council. He's created a series of public work sessions to inform Council on certain topics; she appreciates it, it's very helpful. Won't get in a feud with Councilman DeMarco, but did point out she is one of seven, one vote of the seven here. It's her job as Council President to do the Finance Comm. appointment, and she put him on because of his background in finance, putting aside her personal views for the best interest of the city, and wants that made clear. When he decided to leave, he did not explain to her why; and only heard with everyone else he would not be continuing on the Comm., and she wondered why, and thinks she has a right to know. As far as replacing him, she has spoken with the Finance Dir., the Mayor, the three other Councilmembers on if they're interested in putting themselves on the Comm.; based upon those recommendations she elected to have Councilman Celcherts to fill the vacancy. Again, she's one of seven, and she knows that, has been very clear on that, and her actions speak louder than Councilman DeMarco's finger-pointing. She will not address or waste anyone's time on that anymore.

MAYOR'S REPORT:

Mayor Balbier: Offered condolences to the Montgomery and Kriausky families. Had a meeting at Parma Hosp. to meet the new president, Nancy Tinsley, where she spoke on the direction she'd like to see the hospital take. They plan on adding more women's programs and building up their doctors who care for stroke and heart attack patients. They have a new location being in Broadview Hts. with an Emergency Room; he just received an invitation to the opening on Nov. 5th at I-77 and Rt. 82. Received a flyer in the mail about free legal advice from the county: for relatives and kinship caregivers (through Cleveland Marshall College of Law at Cleveland State University), free legal services, including child support issues, motions, power of attorney for custodial situations, youth delinquency, school suspensions and expulsions, and many other items. Contact 216-687-3947. Attended the Mayor's Assoc. meeting at the First Energy's

command center in Brecksville, and then they gave a tour of the center. Was told if someone's electricity goes out to call them, even if everyone else has called and the Police Dept. knows, still call, so they can map each address, and help try to figure out a problem. Announced that Menard's will move into the K-Mart location, which has similarities to Lowe's and Home Depot. They do have plans on tearing down the gas station on the location, and selling that corner to another business. They are expecting to open June 2016. Thanked Lowe's for donating paint for the locker rooms and interior at the Rec Center. They also sent a crew in the summer to clean up the Biddulph and Ridge park. We appreciate their involvement with our community. There was a mtg. with engineers last week for the turn lane on Tiedeman to southbound 480. It will be paid for with the \$1M that had been set aside for the diverging diamond that didn't go, and the State determined it could be used for that. It will be done in the spring.

DIRECTORS REPORTS:

Econ. Dev. Dir. Migliorino: Responded that she will send draft Econ. Dev. mtg. minutes to Councilman DeMarco; reiterated they are draft. Also said that he is the most negative influence she has ever encountered in her professional life. Brooklyn is on the move, and the article and her quotes means it is on the move. She has never seen one plan from him, nor one econ. development suggestion. Four years ago they sat down, and she lined up all the incentives, the values, the things we could do to grow Brooklyn, and we are on the move. To update, she met with Mr. Rusnov last week, and the delay for getting the assisted living center off was the state. He was waiting for his 30-bed licenses to be approved by the state; they were approved Oct. 2nd. The Bldg. Comm. has received plans; the Planning Comm. approved them six weeks ago. They have fully paid fees to move forward on the plans, so they will be reviewed by our plans examiner (Fodor), and our engineer (Courtney) for the infrastructure. Mr. Rusnov is anxious to get started, and was not going to close on his financing until the state approved the 30 days. He will now move to closing, and some activity will be seen in November. The Douglas Co. is the construction company, and are working getting the trades together and work on bids for the building and infrastructure. The construction season was lost because of the state, but he plans on being fully constructing by spring 2015. Councilwoman Pucci asked if it was still within the appeal period; Dir. Migliorino said the appeal process sunset the end of Sept., on Oct. 2nd he was fully approved for the licenses. Councilwoman Pucci asked Dir. Kulcsar to check the gully that has had so much trouble with, with the drainage not kept clear, and needs to be cleaned in the fall; and to notify the owner if it needs cleaned. Dir. Kulcsar will stop by.

Finance Dir. Enovitch: Reported that on his 364th day on the job, our General Fund balance is \$11,284,793.79. After tonight's transfers it will be \$9,873,675.86. Year to date revenues are \$15,320,551.74; expenditures are \$11,691,868.12. Total fund balance is \$26,069,093.64.

REQUEST:

Request from the Mayor for confirmation of Dave Kulcsar as Building Commissioner. **MOTION** by Pucci, second by Celcherts to Table. **VOTE RESULTED:** *Table:* Yes: Balbier, Celcherts, Gallagher, DeMarco, Van Kirk, Pucci. No: None. **(TABLED)**

Request to advertise for bids for the fire alarm system at the Service Garage. **MOTION** by Pucci, second by Celcherts to authorize. **VOTE RESULTED:** *To Authorize:* Yes: Balbier, Celcherts, Gallagher, DeMarco, Van Kirk, Pucci. No: None. **(AUTHORIZED)**

LEGISLATION:

ORDINANCE 2014-54, Amending the Annual Appropriations. **MOTION** by Pucci, second by Celcherts to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: Balbier, Celcherts, Gallagher, DeMarco, Van Kirk, Pucci. No: None. *To Adopt:* Yes: Balbier, Celcherts, Gallagher, DeMarco, Van Kirk, Pucci. No: None. **(ADOPTED)**

ORDINANCE 2014-60, Authorizing the Mayor to enter into an agreement with the Juvenile Diversion Coordinator. **(FIRST READING)**

ORDINANCE 2014-61, Authorizing the purchase of internal cameras for the Police Dept. from Integrated Precision Systems, Inc. in the amount of \$25,465.30 through the State Purchasing Program. **MOTION** by Pucci, second by Celcherts to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: Balbier, Celcherts, Gallagher, DeMarco, Van Kirk, Pucci. No: None. *To Adopt:* Yes: Balbier, Celcherts, Gallagher, DeMarco, Van Kirk, Pucci. No: None. **(ADOPTED)**

ORDINANCE 2014-63, Authorizing the purchase of recycling containers from the Toter Co. in the amount of \$215,181.60 through the National Intergovernmental Purchasing Alliance. **MOTION** by Pucci, second by Celcherts to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: Balbier, Celcherts, Gallagher, DeMarco, Van Kirk, Pucci. No: None. *To Adopt:* Yes: Balbier, Celcherts, Gallagher, DeMarco, Van Kirk, Pucci. No: None. **(ADOPTED)**

ORDINANCE 2014-64, Authorizing the purchase of rubber floor tiling for the John M. Coyne Recreation Center from Lowe's in the amount of \$48,977.99 through the Western States Contracting Alliance. **MOTION** by Pucci, second by Celcherts to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: Balbier, Celcherts, Gallagher, DeMarco, Van Kirk, Pucci. No: None. *To Adopt:* Yes: Balbier, Celcherts, Gallagher, DeMarco, Van Kirk, Pucci. No: None. **(ADOPTED)**

ORDINANCE 2014-65, Establishing the full-time position of Parks and Recreation Commissioner for a three-year period, effective 1/1/15 and expiring 12/31/17, and repealing the position of Recreation Commissioner. **(FIRST READING)**

The Council will go into Executive Session for matters of personnel relating to the Recreation Center.

Councilman Van Kirk wanted to add that the Public Safety Comm. mtg. on Oct. 27th is also the night of the normal Council meeting; the Safety Comm. mtg. will take place immediately following the Council meeting.

MOTION by Pucci, second by Celcherts to go into Executive Session to discuss matters of personnel within the Recreation Dept. with the Service Director, Law Director and Mayor. **VOTE RESULTED:** *Adjourn to Executive Session:* Yes: Balbier, Celcherts, Gallagher, DeMarco, Van Kirk, Pucci. No: None. **(ADJOURNED TO EXECUTIVE SESSION)**

Council adjourned to Executive Session and then reconvened.

MOTION by Van Kirk, second by Gallagher to reconvene. **VOTE RESULTED:** *Reconvene:* Yes: Balbier, Celcherts, Gallagher, DeMarco, Van Kirk, Pucci. No: None. **(RECONVENED)**

There being no further business, **MOTION** by Pucci, second by Van Kirk to adjourn. **VOTE RESULTED:** *Adjourn:* Yes: Balbier, Celcherts, Gallagher, DeMarco, Van Kirk, Pucci. No: None. **(ADJOURNED)**

Asst. Clerk of Council

President of Council